

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STACIA LANGLEY, et al.,
Plaintiffs,

v.

GUIDING HANDS SCHOOL, INC., et
al.,
Defendants.

No. 2:20-cv-00635-DJC-CSK

ORDER

Plaintiff Stacia Langley and the Estate of Max Benson have filed a Motion to Sever the claims of Stacia Langley, David Benson, and the Estate of Max Benson ("Langley Plaintiffs") from the claims of the other Plaintiffs in this action pursuant to Federal Rule of Civil Procedure 21. (Mot. (ECF No. 320).) With the sole exception of Defendant Amador County Unified School District ("ACUSD"), all other parties have joined, filed statements of non-opposition, or not opposed Langley Plaintiffs' Motion. (See ECF Nos. 323-25, 329-31, 333-34.) For the reasons stated below, the Court grants Langley Plaintiffs' Motion over Defendant ACUSD's Opposition.

Under Rule 21, the court has the ability to "add or drop a party" as well as "sever any claim against a party." There is no established test used in the Ninth Circuit for when severance should be granted but the courts have "broad discretion" in determining whether claims should be severed. *Cupp v. Harris*, No. 2:16-cv-00523-

1 TLN-KJN, 2018 WL 4599588, at *3 (E.D. Cal. Sept. 21, 2018). Courts often consider
 2 “(1) whether the claims arise out of the same transaction or occurrence; (2) whether
 3 the claims present some common questions of law or fact; (3) whether settlement of
 4 the claims or judicial economy would be facilitated; (4) whether prejudice would be
 5 avoided if severance were granted; and (5) whether different witnesses and
 6 documentary proof are required for the separate claims.”¹ *Morris v. Northrop*
 7 *Grumman Corp.*, 37 F. Supp. 2d 556, 580 (E.D.N.Y. 1999); see *Cupp*, 2018 WL
 8 4599588, at *3.

9 Here, these factors weigh clearly in favor of granting severance. While the
 10 claims of Langley Plaintiffs and the remaining Plaintiffs involve similar alleged conduct,
 11 the incidents in question are separate. None of the non-Langley Plaintiffs were
 12 involved in the events that allegedly preceded or led to Max Benson’s death. (See,
 13 e.g., TAC (ECF No. 126) ¶¶ 179-238.) Similarly, Benson was not involved in the uses
 14 of force or uses of restraints against other student Plaintiffs. Defendant ACUSD does
 15 correctly note that the underlying factual allegations of all Plaintiffs have similarities
 16 and involve some common Defendants. (Opp’n (ECF No. 333) at 4.) But just because
 17 claims arise from similar conduct and, in some instances, involve common parties
 18 does not mean they arise from the same transaction or occurrence or present
 19 common questions of law or fact common to all plaintiffs. *Visendi v. Bank of America*,
 20 *N.A.*, 733 F.3d 863, 870 (9th Cir. 2013).

21 There are also common factual and legal questions between Langley Plaintiffs’
 22 and the other Plaintiffs’ claims. However, as already noted, though the conduct and
 23 defendants in question may be similar, the allegations underlying each of the
 24 Plaintiffs’ claims involve facts unique to each Plaintiff. Due to the unique nature of
 25 Benson’s death, the subsequent investigation of that incident, and the ongoing state

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 27 ¹ Defendant ACUSD’s Opposition addresses Plaintiff’s Motion under Federal Rule of Civil Procedure 42,
 28 not Rule 21. (Opp’n at 3.) The distinction is insignificant as Defendant ACUSD’s arguments apply
 regardless of whether Rule 21 or Rule 42 is applied and Defendant ACUSD cites *Cupp*, which properly
 considers severance under Rule 21. (*Id.*)

1 criminal proceedings, the claims of Langley Plaintiffs in particular raise substantially
2 distinct questions of law and fact.

3 Judicial economy also favors granting Langley Plaintiffs' Motion. As the Court
4 has stated in its recent orders in this action, judicial economy is served by ensuring
5 that litigation in this action proceeds wherever possible. (See ECF No. 319 at 5.)
6 Defendant ACUSD raises concerns about potential inefficiencies and complexities
7 resulting from the division of this case into two actions such as the risk of conflicting
8 rulings. (Opp'n at 4-5.) The Court finds that these potential issues are outweighed by
9 the benefits of separating Langley Plaintiffs' claims – which are tightly intertwined with
10 the state criminal action and present unique factual and legal issues – from the claims
11 of the other Plaintiffs.

12 Defendant ACUSD claims that severance would prejudice Defendants, but
13 Defendant ACUSD's concerns appear largely focused on prejudice towards the GHS
14 Defendants. (Opp'n at 6 (noting that severance may lead to duplicative discovery
15 requests and duplication of testimony from GHS staff.) The GHS Defendants have
16 stated their non-opposition to the Court severing Langley Plaintiffs' claims. (ECF No.
17 329.) These concerns do not appear to present any prejudice to Defendant ACUSD
18 given that they will remain a defendant only in the present action and not be included
19 as a party in the severed action.

20 Defendant ACUSD also argues that they will be prejudiced "because the
21 ongoing criminal proceedings against certain Defendants would likely lead to Fifth
22 Amendment invocations, impairing the ability of remaining Defendants to fully litigate
23 their claims" and that "[s]everance would force the remaining Defendants to proceed
24 without full access to the relevant parties and evidence and prevent comprehensive
25 examination of all relevant facts, impeding the fair resolution of the civil cases."
26 (Opp'n at 6.) However, severing these actions has no bearing on how the state
27 criminal action will affect these proceedings. The GHS Defendants will continue as
28 defendants in this action in addition to being defendants in the severed action and the

1 Fifth Amendment issues raised by the state criminal proceedings will remain the same
2 after severance as they were before.

3 To the extent Defendant ACUSD is concerned that the stay in this action will be
4 fully after Langley Plaintiffs' claims are severed, this is not presently the case. The
5 Court only partially lifted the stay of this action for Plaintiffs to file a Motion to Sever
6 (and a Motion to Amend should severance be granted) so as "to permit litigation to
7 proceed insofar as it does not implicate the Fifth Amendment rights of Defendants."
8 (ECF No. 319 at 5.) The Court is cognizant that the ongoing state criminal
9 proceedings make it challenging to fully litigate this action at this time. However,
10 granting Langley Plaintiffs' Motion to Sever does not have any effect on these issues
11 and thus will not prejudice Defendant ACUSD.

12 Finally, different witnesses and proof are required for the different claims. As
13 already discussed, there is some overlap between each of the Plaintiffs' claims leading
14 to common witnesses and proof. However, it is also uncontested that there are
15 separate witnesses for Langley Plaintiffs' claims and the claims of other Plaintiffs. (See
16 Opp'n.) Accordingly, severance of Langley Plaintiffs' claims from this action is
17 appropriate.²

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Langley Plaintiffs' Motion to Sever (ECF No. 320) is GRANTED.
- 20 2. The hearing scheduled for February 20, 2025, at 1:30 P.M. in Courtroom 7 is
21 VACATED.
- 22 3. Plaintiffs Stacia Langley, David Benson, and the Estate of Max Benson and
23 their claims shall be severed from this action. The severed action shall be
24 related to the present action within the meaning of Local Rule 123(a) and
25 shall be assigned to the undersigned and Magistrate Judge Chi Soo Kim.

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27 ² The Court notes that much of Langley Plaintiffs' Motion is dedicated to discussion of the actions of
28 plaintiffs' prior counsel. The Court does not address or make any finding on this basis. Instead, this
order is solely concerned with whether severance of the Langley Plaintiffs' claims is appropriate.

- 1 4. The Parties meet and confer and, within seven (7) days of this order, jointly
- 2 file a brief statement indicating which Defendants should be terminated
- 3 from the present action and what Defendants should be included in the
- 4 severed action. Once the Joint Statement is filed, the Court will sever the
- 5 claims and the Clerk will initiate the new action.³
- 6 5. Within twenty-one (21) days of this order, Plaintiffs in this or the newly
- 7 severed action may file a Motion for Leave to Amend.
- 8 6. The stay of this action and the severed action shall remain in effect for all
- 9 other purposes.

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11 Dated: February 14, 2025



THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

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27 ³ While the Court grants the Motion to Sever, it will not yet sever the claims. On receipt of the parties'
28 joint statement, the Court will formally sever the Langley Plaintiffs' claims with the appropriate
Defendants designated for this action and the severed action.